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DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-208622

DATE: September 15, 1982

MATTER OF: ATE Associates, Inc.

DIGEST:

Protest concerning small business size status of joint venture is not for consideration by GAO since exclusive authority with respect to such matters is, by statute, vested in Small Business Administration.

ATE Associates, Inc. protests award to any of its competitors under request for proposals NO. N00421-82-R-0003 issued by the Naval Air Station, Patuxent River Maryland. The procurement was set aside for small business firms and ATE challenges the small business status of a joint venture formed by two of its competitors. This protest is dismissed.

Under 15 U.S.C. § 637(b)(6) (1976), the Small Business Administration has exclusive authority to determine matters of small business size status for procurement purposes. Under this statute, the SBA has the authority to make such rules and regulations as are deemed necessary to carry out its authority with respect to such matters.

It is the duty of SBA, not this Office, to determine whether a concern or a combination of concerns is a small business for purposes of a particular procurement and SBA's determination is conclusive upon the procurement agency involved. DOT Systems, Inc., B-205421, November 19, 1981, 82-1 CPD 38; Edmonds Mechanical Contractor, Inc., B-206194, February 4, 1982, 82-1 CPD 96.

Harry R. Van Cleve
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Acting General Counsel